

REMARKS

Reconsideration of this application as amended is respectfully requested.

In the Office Action, claims 1-20 are pending and rejected. In this response, no claim has been canceled or amended. No new matter has been added.

Claims 1, 2, 7, 15, 16, 19 and 20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,775,687 to Binding, et al. ("Binding"), in view of U.S. Patent No. 6,779,118 to Ikudome, et al. ("Ikudome"). It is respectfully submitted that the present invention as claimed includes limitations that are not disclosed or suggested by the cited references.

Specifically, for example, independent claim 1 recites as follows:

1. A method in a single network element, the method comprising:
receiving, at the network element, a packet from a remote client, the packet being addressed to a destination;
examining, based on one or more policies associated with the packet, to determine whether the packet should be redirected to another destination;
forwarding the packet, via a logical interface, to a redirect facility within the network element if the packet should be redirected to another destination; and
forwarding a return packet from the redirect facility to the remote client, the return packet including a redirect address associated with another destination.

(Emphasis added)

Independent claim 1 includes receiving at a network element (e.g., a DSL network box) a packet from a remote client over an access network, where the packet is destined to a destination. In response, the network element examines based on one or more policies associated with the packet to determine whether the packet should be redirected to another destination. If so, the packet is forwarded to a redirect facility that is within the network element. When the redirect facility issues a redirect addresses, the redirect address is

forwarded back to the client to allow the client access the redirected destination. Thus, all of these operations are performed within the single network element that provides accesses of a client from a network provider network (e.g., DSL network) to a service provider over a service provider network (e.g., Internet service provider or ISP). In other words, a redirect facility is built in a single network routing element (e.g., a network box), instead of a simple redirect server, for routing data of a client to an Internet service provider.

Rather, Binding discloses a simple Web server that can respond with a REDIRECT message to a client's request for supplemental information (see e.g., Abstract and Summary of Binding). The Office Action contended that gateway 46 of Fig. 2 of Binding includes a redirect facility (see 5/16/2007 Office Action, page 2). Applicant respectfully disagrees. Gateway 46 of Binding simply provides gateway services to network 44 and there is no disclosure within Binding that such a gateway includes a redirect server for HTTP redirect purposes.

In addition, the Office Action further contended that server 305 of Fig. 3D replies with a REDIRECT message (see 5/16/2007 Office Action, page 2). However, the server 305 is not the same as a network element as claimed in independent claim 1 that provides network accesses from a network provider network to a service provider network. Rather, "the server 305 is a Web server providing Internet services to the client." See e.g., Binding, col. 7, lines 18-33. Thus, at most, server 305 of Binding can only be considered as a service provider (e.g., Internet service provider), contrary to a network element as claimed in independent claim 1.

Further, by definition, a Web server can only provide Web services to a client and there is no routing functionality for routing network traffic to another destination. Specifically, a Web server cannot provide network accesses for a client over a network

provider network (e.g., DSL network) to reach a service provider over a service provider network (e.g., Internet service provider) in order to access the Internet.

Again, the present invention as claimed is not related to a simple redirect server or a Web server. Rather, the present invention as claimed is related to a network box with a redirect facility built-in for routing data, particularly, between a network provider network and a service provider network. It is respectfully submitted that none of Binding and Ikudome, or other cited references, discloses the limitations set forth above. Therefore, it is respectfully submitted that independent claim 1 is patentable over the cited references.

Similarly, independent claims 8 and 15 include limitations similar to those set forth above. Thus, for reasons similar to those set forth above, it is respectfully submitted that claims 8 and 15 are patentable over the cited references.

Given that the rest of the claims depend from one of the above independent claims, for reasons similar to those set forth above, it is respectfully submitted that the rest of the claims are also patentable over the cited references.

Claims 3 and 4 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Binding, in view of Ikudome and further in view of U.S. Publication No. 2003/0135548 to Bushkin (“Bushkin”). Claims 5 and 18 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Binding, in view of Ikudome and further in view of U.S. Patent No. 6,401,117 to Narad, et al. (“Narad”). Claims 6 and 17 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Binding, in view of Ikudome and further in view of U.S. Patent No. 6,449,256 to Varghese, et al. (“Varghese”). Claims 8, 9 and 14 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Binding, in view of Ikudome and further in view U.S. Patent No. 7,085,279 to Kumar, et al. (“Kumar”). Claims 10 and 11 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Binding, in view of Ikudome, in

view of Kumar and further in view of Bushkin. Claim 12 is rejected under 35 U.S.C. §103(a) as being unpatentable over Binding, in view of Ikudome, in view of Kumar and further in view of Narad. Claim 13 is rejected under 35 U.S.C. §103(a) as being unpatentable over Binding, in view of Ikudome, in view of Kumar and further in view of Varghese.

These claims depend from one of the above independent claims. It is respectfully submitted that none of Bushkin, Narad, Varghese, and Kumar discloses or suggests the limitations set forth above.

In addition, there is no suggestion within these references to combine with each other. Certain claims above are rejected in view of four (4) references in combination. The Office Action has not established a reasonable motivation to combine these references. The fact that a reference merely mentions a term in a claim does not necessarily constitute a motivation to combine such a reference. Even if these references were combined, for the reasons set forth above, such a combination still lacks the limitations set forth above. Therefore, claims 1-20 are patentable over these references. Withdrawal of the rejections is respectfully requested.

In view of the foregoing, Applicant respectfully submits the present application is now in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call the undersigned attorney at (408) 720-8300.

Please charge Deposit Account No. 02-2666 for any shortage of fees in connection with this response.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

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